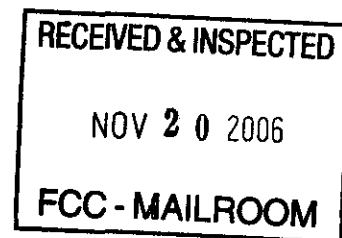


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SHA'AREI ZION OHEL BRACHA

Affiliated with BETH GAVRIEL

66-35 108th Street, Forest Hills, N. Y. 11375

Tel. # 718-268-3444 Fax # 718-268-3447

Fax Transmittal Form

To: Federal Communications Commission

From: R' Rhaeoff

Organization: \_\_\_\_\_

CC: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: 202-418-0187

- ☐ Urgent  
☐ For Review  
☐ Please Comment  
☐ Please Reply

Date sent:

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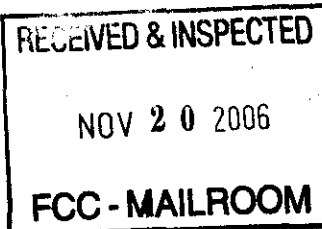
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Message:

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**מוסדות שערי ציון אהל ברכה**  
**SHA'AREIZION OHEL BRACHA INSTITUTIONS**  
 AFFILIATED WITH BETH GAVRIEL



**חציל נפש -- חציל** **Saving a Life. Saving the World.**

**על**

**Administration**  
 Rabbi Bechor Baruch  
*Dean*  
 Rabbi Refael Ribacoff  
*Executive Director*  
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*Principal*

**Educational Initiatives**  
 Kindergarten  
 Yeshiva for Boys  
 Beit Yaakov for Girls  
 Hebrew Ulpan  
 Youth Programs  
 Sunday School  
 Talmud Torah  
 Bar Mitzva Preparation  
 Women's Activities  
 Lectures in Judaism  
 Jewish Library  
 Publishing House  
 Monthly Magazine  
 Gemilut Chassadim  
 Torah Center  
 ...and More

**Boy's Division:**  
 66-35 108th Street  
 Forest Hills, NY 11375  
 Phone: 718-268-3444  
 Fax: 718-268-3447

**Email:**  
 rabbi\_ribacoff@yahoo.com

**Affiliated with BGBC**  
 a 501 (c) (3) Non-Profit  
 Tax-Exempt  
 Organization

**REQUEST FOR REVIEW**

Federal Communications Commission  
 Office of the Secretary  
 FAX#: 202-418-0187

Reference CC Docket No. 96-45 and CC Docket No. 02-6

Re: Applicant Name: Sha'arei Zion Ohel Bracha  
 Billed Entity Number: 220919  
 Form 471 Application #: 469911  
 FRN's: 1329122, 1329174, 1329291, 1329327, 1329368,  
 1329408, 1329444, 1329463, 1329493, 1329530,  
 1329562, 1329583, 1329604, 1329652, 1329679.

Contact Information: Rabbi Rafael Ribacoff, Executive Director  
 66-35 108<sup>th</sup> Street  
 Forest Hills, NY 11375  
 718-268-3444 x 101; Fax: 718-268-3447  
 E-mail: rabbi\_ribacoff@yahoo.com

Enclosed please find a copy of the Decision on Appeal – that this letter is in reference to.

Explanation: The contracts that were submitted to the Program Integrity Assurance (PIA) on January 16, 2006 were in error.

According to FCC rules, "both beneficiaries and service providers must retain executed contracts, signed and dated by both parties."

Due to a major flood in my office, most of my paperwork became damaged or destroyed. When the PIA requested my copies of the contracts – they were too illegible to be sent. As per FCC rule cited above, I requested copies of the contracts from the service provider – in order to have an executed "original" of the ones damaged in my office. Copies were procured and signed by both parties. My secretary mistakenly tried to copy the date on the water-logged copies to the new ones. Because of the water damage, she was only able to read and copy the legible date of Feb. 1, 2005 – INSTEAD OF THE PROPER AND CORRECT DATE OF FEBRUARY, 15, 2005. She left out the 5 in 15 and only copied the 1. This is what caused the contracts untimeliness! If she would have copied the correct dates, there would be no problem. This mistake only surfaced when the PIA team denied funding as the dates in the mistaken contracts were within the 28 Day Waiting Period.

On appeal with the USAC, they specifically requested a copy of the contracts – and the correct ones (with the February 15, 2005 date) were faxed over and received by the USAC on May 26, 2006. This clearly showed that there were executed contracts which were signed and dated by both parties. Never-the-less they denied the appeal.

Our school has been part of the E-Rate process for a few years now – and we never have had any problems in adhering to the rules. Our filings and claims have always been timely.

Our school is approved at the 90% level – as we cater to a mostly immigrant population. This denial of funding has caused great hardship in our advancement in the technology field in our school.

We respectfully request an understanding of the above problem and allow the processing of these Funding Requests to be approved.  
 Thank you very much for your consideration in this very important matter.

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**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2005-2006**

October 05, 2006

Rabbi R. Ribacoff  
Sha'arei Zion Ohel Bracha Institutions  
66-35 108th Street  
Forest Hills, NY 11375

Re: Applicant Name: SHA'AREI ZION OHEL BRACHA  
Billed Entity Number: 220919  
Form 471 Application Number: 469911  
Funding Request Number(s): 1329122, 1329174, 1329291, 1329327, 1329368,  
1329408, 1329444, 1329463, 1329493, 1329530,  
1329552, 1329583, 1329604, 1329652, 1329679  
Your Correspondence Dated: February 14, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

**Funding Request Number(s):** 1329122, 1329174, 1329291, 1329327, 1329368,  
1329408, 1329444, 1329463, 1329493, 1329530,  
1329552, 1329583, 1329604, 1329652, 1329679

**Decision on Appeal:** Denied  
**Explanation:**

- During the Appeal Review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. According to our records, you cited FCC Form 470 application number 161440000535766 on Block 5, Item 12 of the FCC Form 471. During the initial review of the Form 471, Program Integrity Assurance (PIA) contacted and informed you that for these funding requests, the Contract Award Date (July 1, 2005) for the services requested is after the Certified Postmark Date (February 17, 2005) of the cited

Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981  
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are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Form 470. PIA also informed you that the rules of this support mechanism require that the contract award date be after the Allowable Contract Award date. In addition, you were given the opportunity to cite an alternate Form 470 establishing the bidding for the services requested on your Form 471 in order to cure the program's violation, and were also asked to provide contracts supporting the correct Contract Award Date. In a fax response dated January 16, 2006, you provided a copy of the contracts (invoice copies), all with a single signed date of February 1, 2005. As this information did not comply with the minimum required contract criteria, PIA should have denied the submission of the contracts, and decided the original program violation was not cured. On appeal, you have failed to provide evidence that the school has complied with programs competitive bid requirements, or that USAC has erred in its initial decision of the funding requests denial. Based on the documentation in the record, USAC supports the decision to deny these funding requests for lack of acceptable supporting documentation to change the original violation of the 28 Day Waiting Period. USAC will not accept new information on appeal that is inconsistent with information in the file used during review, such as the fax received on May 26, 2006 that shows another copy of the contracts (invoice copies), all with a single signed date of February 15, 2005. Program procedures do not permit USAC to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by PIA.

- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. § 54.504(c). The FCC rules further require that "both beneficiaries and service providers must retain executed contracts, signed and dated by both parties". See Federal-State Joint Board on Universal Service, Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, *Fifth Report and Order and Order*, 19 FCC Rcd 15821-22, 30, FCC 04-190, ¶ 48 (rel. Aug. 13, 2004). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested. See *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*, File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Rcd. 22,994, DA 03-3526 (2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2003) at page 20.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you